

- 1) The court adopts the report and recommendation of Magistrate Judge Mehalchick (Doc.30).
- 2) Defendants' motion to dismiss and/or for summary judgment (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART** as follows:

c+"F ghgpf cpwø'o qvqp'hqt'uwo o ct{ 'lwf i o gpv'ku'DENIED"cu'kv
r gtvc'pu'v'q'Rqtvtø'u"gzeguukxg'hqteg'ercko "ci ckpuv'F ghgpf cpv'O wj rgt.
y kj qw'r tglwf keg'v'q'hkpi "c'uwdugs wgpv'o qvqp'hqt'uwo o ct{ 'lwf i o gpv
chvgt'f kueqxt { 'j cu'dggp'eqo r ngvf ="cpf

d+"F ghgpf cpwø'o qvqp'v'f'kuo kuu'cpf lqt'hqt'uwo o ct{ 'lwf i o gpv'ku
GRANTED"cu'v'q'cm'qyj gt 'F ghgpf cpw'cpf 'F ghgpf cpw'Egtpg{ .'Engpnk
Etli .'Gff { .'I cdtkguqp.'J gcjy .'J qwgpugkp.'J wi j gu.'Lgpnkpu.'Lqj puqp.
O ctt.'Uj kr quj .'Uko r rgt.'Vgo r ng.'cpf '\ kenghqqug'ctg'f'kuo kuugf 'htqo 'y ku
cevkqp0

4+"Rmcpv'hu'o qvqp'hqt'cp'gxkf gpvct { 'j gctkpi "F qe048+'ku'DENIED0

5+"Vj ku'o cwgt'ku'tgo cpf gf 'v'q'O ci kmtcv'lwfi g'O gj crej ken0

"

~~~~~uIU{ rkc'J 0Tco dq'~~~~~  
~~~~~Wpkgf 'Ucvgu'F kmtlev'lwfi g

F cvgf <"Ugr vgo dgt"4."42370